

TO SEE IF THE TOWN WILL VOTE TO:

*Amend the Protective Zoning Bylaws by adding the following definitions:*

**Clinic:** A building designed and used for the diagnosis and treatment of human patients by more than one health professional which does not include overnight care facilities.

**Hospital:** Any institution with facilities for overnight care, however named, whether conducted for charity or profit, which is advertised, announced, established or maintained for the purpose of caring for persons admitted thereto for diagnosis or medical, surgical or restorative treatment which is rendered within said institution.

**Healthcare facility:** A clinic or hospital.

**Professional Office:** – An office primarily devoted to professional activities, including real estate, insurance or other agency offices; an office of an accountant, physician, teacher, dentist, engineer, lawyer, homebuilder, tailor, decorator, artist, dancer, licensed massage therapist, or other recognized professional for which specific training and/or licensing is required.

**Health Club:** An establishment, operated for profit, providing space or facilities for physical exercise or for participating in sports activity.

**Garden Center:** , A retail center for the sale and/or display of shrubs, trees, plants, garden supplies, and related items.

**Personal Services Establishment:** An establishment whose primary function includes, but is not limited to, one of the following: a barber shop, hair salon, nail salon, tanning salon, self-service laundry, garment or shoe makers and repairers; florist; printing, publishing or photocopying; photographer's studio; baker, caterer or confectioner.

**Supermarket:** A large self-service grocery store selling groceries, dairy products and household goods

**Retail or Wholesale Business:** Commercial activities that provide goods and services to the general public for retail and/or wholesale price. This definition shall not include Supermarkets or Grocery Stores.

**Day Care Center.** Any facility operated on a regular basis whether known as a day nursery, nursery school, kindergarten, child play school, progressive school, child development center, preschool, or known under any other name which receives children, not of common parentage, under seven years of age or under 16 years of age if such children have special needs, for non-residential custody and care during part or all of the day separate from their parent(s). Day care center shall not include: any part of a public school system; any part of a private organized educational system, unless the services of such a system are primarily limited to kindergarten,  
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nursery, or related preschool services; a Sunday school conducted by a religious institution; a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services; and a family day care home; an informal cooperative arrangement among neighbors or relatives; or the occasional care of children with or without compensation therefore.

TO SEE IF THE TOWN WILL VOTE TO:

Amend the Protective Zoning By-laws of the Town of Maynard an the Zoning Map of Maynard to create a Neighborhood Business Overlay District in the Town to overlay approximately \_\_\_\_ acres of land off Parker Street; the Neighborhood Business Overlay District encompassing the property identified as Assessor's Map 25; Parcel 152. The land initially subject to the Mixed Use Overlay District is more particularly described as follows. [**HERE, insert legal description**]

TO SEE IF THE TOWN WILL VOTE TO:

*Amend the Protective Zoning Bylaws to replace Section 2.1 with the following:*

.1     Types of Districts

The Town of Maynard is hereby divided into twelve types of districts: ten base zoning districts and two overlay districts as follows:

Base Districts.

Single Residence District S-1  
Single Residence District S-2  
General Residence District  
Business District  
Central Business District  
Industrial District  
Garden Apartment District  
High Rise Apartment District  
Open Space District  
Health Care/Industrial District

Overlay Districts.

Water Supply Protection District  
Neighborhood Business Overlay District

Said districts are shown on a map entitled "Zoning Map of Maynard," dated October 5, 1959, as revised thereafter, which map is signed by the Planning Board and is on file with the Town Clerk.

TO SEE IF THE TOWN WILL VOTE TO:

*Amend the Protective Zoning Bylaws add the following as Section 6E:*

**SECTION 6E**  
**NEIGHBORHOOD BUSINESS OVERLAY DISTRICT (NBOD)**

**6E.1 TITLE AND PURPOSE**

The Neighborhood Business Overlay District (NBOD) has been established to encourage and authorize the mixed-use development of large land areas by means of authorizing and combining a variety of building types and use with conditions and safeguards to prevent detrimental effects and impacts upon neighboring land uses and upon the Town of Maynard generally.

**6E.2 APPLICABILITY**

The NBOD is an overlay district superimposed on all underlying zoning districts. All regulations of the underlying zoning district shall apply with the NBOD except where specifically modified or supplemented by the regulations of this section. Where the NBOD varies use, dimensional, or other requirements otherwise set forth in the Protective Zoning By-Laws, the terms and conditions of the NBOD shall control.

**6E.3 PERMITTED PRINCIPAL USES**

In the Neighborhood Business Overlay District no building or structure shall be constructed or altered and no building, structure or premises shall be used for any purpose **except:**

- A. Healthcare Facilities
- B. Day Care Center
- C. Health Club
- D. Restaurants
- E. Municipal Uses
- F. Garden Center
- G. Professional Office
- H. Personal Services Establishment
- I. Supermarkets or Grocery Stores
- J. Retail or Wholesale Business

Multiple principal uses may exist on a single lot or parcel with the NBOD.

#### **6E.4 PERMITTED ACCESSORY USES**

The following uses shall be available as accessory to the above principal uses and as accessory to uses permitted in the underlying district(s).

- A. Structured parking.
- B. Outdoor storage of recreational equipment.
- C. Outdoor recreational facilities including athletic field and tennis and basketball courts.
- D. Outdoor storage, display and sales of merchandise accessory to a permitted principal retail use.
- E. Bank automated teller machine.
- F. Management or maintenance office.
- G. Parking and accessory drives for all permitted uses in the Industrial base Zoning District, as well as any and all utilities necessary to support such permitted uses, whether or not on the same lot as the principal use.
- H. Uses and structures customarily incidental to any permitted principal use.

**NOTE:** All retail uses constructed within the MUOD are subject to the conditions and requirements of Section 6E.7 and all of the foregoing permitted uses not otherwise allowed in the underlying base zoning district(s) are subject to the conditions and requirements of Section 6E.8.

#### **6E.5 PERMITTED BY SPECIAL PERMIT OF THE BOARD OF APPEALS**

- A. Multi-family Dwelling

#### **6E.6 PERMITTED BY SPECIAL PERMIT OF THE PLANNING BOARD**

- A. Dry Cleaning Establishments

## **6E.7 NBOD DIMENSIONAL REQUIREMENTS**

Table 6-1 lists the maximum gross floor area for a single occurrence of a given Principal Use within the NBOD. For principal uses without such a listing in Table 6-1 there exists no maximum gross floor area requirement

**TABLE 6-1: NBOD Dimensional Requirements**

| <b>Principal Use</b>           | <b>Maximum Gross Floor Area</b> |
|--------------------------------|---------------------------------|
| Multi-Family Dwelling          | N/A                             |
| Healthcare Facilities          | N/A                             |
| Municipal Uses                 | N/A                             |
| Dry Cleaning Establishment     | 5,000 s.f.                      |
| Day Care Center                | 10, 000 s.f.                    |
| Health Club                    | 15,000 s.f.                     |
| Restaurant                     | 10,000 s.f.                     |
| Garden Center                  | 25,000 s.f.                     |
| Professional Office            | 10,000 s.f.                     |
| Personal Service Establishment | 10,000 s.f.                     |
| Supermarket or Grocery Store   | 75,000 s.f.                     |
| Retail or Wholesale Business   | 50,000 s.f.                     |

The total gross floor area for all Principal Uses within the NBOD, for which a maximum gross floor area is listed in Table 6-1, shall not exceed **175,000 s.f.**

## **6E.7 DESIGN CRITERIA APPLICABLE TO RETAIL USES ESTABLISHED WITHIN THE NBOD**

In addition criteria and/or regulations listed in other sections of this bylaw, the criteria listed in this section must be adhered for any action requiring Site Plan Approval as listed in Section 14.

(A) Public Amenities. Each new retail establishment constructed within the NBOD shall contribute to the enhancement of the community by providing at least two of the following amenities or design features: In cases which the criteria listed in this section conflict with other criteria and/or regulations listed in this bylaw, the criteria in this section shall take precedence.

1. Patio/outdoor seating area.
2. Pedestrian plaza with benches.
3. Kiosk area.
4. Water feature
5. Steeple
6. Other such deliberately shaped area and/or a focal feature or amenity that, in the judgment of the Planning Board, adequately enhances the community in a manner similar to items 1–5, above.

(B). Screening/Vegetated Buffers. No existing vegetation in the required setback area will be disturbed, destroyed or removed, except for normal maintenance. Furthermore, in connection with the construction of new retail buildings, a landscaped buffer, consisting of dense plantings of suitable trees and shrubbery, buffers or fencing shall be provided in the required set back from existing residences. The vegetated buffers shall employ existing vegetation, nursery stock, or both; which shall include a mixture of evergreen trees and deciduous shrubs.

(C). Lighting. All outdoor, pole-mounted lighting used to illuminate parking and loading areas, walkways and pedestrian plazas shall be arranged and shielded so as to direct the light away from public streets or adjacent properties.

(D). Utilities Underground. All new, non-municipal utilities (such as electricity, telephone, gas, fiber optic cable) shall be placed underground.

C. Enhanced Setbacks. For the construction of any new building, a setback area of forty-five (45) feet shall be provided at the perimeter of any lot or parcel in the MUOD where it abuts residentially zoned or occupied properties, except for driveways necessary for access and egress to and from the site; provided, however, that existing structures and existing access roadways are exempt from the requirements set forth herein. However, existing structures and parking areas shall not be made more non-conforming except for ADA compliance.



#### **6E.9 REQUIREMENT FOR SITE PLAN APPROVAL BY THE PLANNING BOARD**

Refer to Section 14, Site Plan Approval, for Site Plan Approval applicability requirements in this district.

## **AMENDMENT**

Vote to amend Section 10.4 of the Zoning By-Law and the Zoning Map of the Town of Maynard to include and depict the Mixed Use Overlay District.

SPONSORED BY:  
PLANNING BOARD

The following action was taken: